

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460



EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

March 18, 2019

In Reply Refer to:

FOIA Request No. EPA-HQ-2018-010543

Ms. Leah Aden
Mr. Louis Fisher
NAACP Legal Defense and Educational Fund, Inc.
40 Rector Street
5th Floor
New York, N.Y. 10006

laden@naacpldf.org, lfisher@naacpldf.org

Via Email and FOIAOnline (<https://foiaonline.gov/foiaonline/action/public/home>)

Re: Freedom of Information Act Request EPA-HQ-2018-010543

Dear Ms. Aden and Mr. Fisher:

This is in response to your Freedom of Information Act (FOIA) request noted above, received by the U.S. Environmental Protection Agency (EPA or Agency) on August 14, 2018, which was routed to the Office of General Counsel's External Civil Rights Compliance Office (ECRCO) for processing. Your request, in part, was for the following:

All documents disseminated in the Environmental Protection Agency's ("EPA") possession containing information regarding how EPA defines and evaluates the element of causation in its investigation of claims pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and its implementing regulations, 40 C.F.R. Part 7, from January 1, 2012 to the present ("Title VI"). Please see the attached for further detail.¹

Following up on our March 14, 2019 discussion relating to this FOIA, EPA-HQ-2018-010543, we are producing several public documents relating to your request for information.

First, please peruse our ECRCO new developments. See <https://www.epa.gov/ogc/external-civil-rights-compliance-office-new-developments>

Please direct your attention to the following letters specifically addressing the causation element for cases relating to landfills in Alabama:

- Complaint 16R-17-R4 Preliminary Findings Letter (attached to cover email)

¹ FOIA EPA-HQ-2018-010543, Submission Details.

- <https://www.epa.gov/ogc/closure-letter-administrative-complaint-no-06r-03-r4>
- <https://www.epa.gov/ogc/closure-letter-administrative-complaint-no-12r-13-r4>

Here are some cases relating to other issues that discuss the element of causation:

- https://www.epa.gov/sites/production/files/2018-05/documents/letter_of_concern_to_william_g_ross_nc_deq_re_admin_complaint_11r-14-r4_.pdf
- <https://www.epa.gov/ogc/01r-94-r5-mdeq-closure-letter>

Additionally, within the New Developments page, please find other ECRCO resources:

- <https://www.epa.gov/ogc/chapter-1-us-epas-external-civil-rights-compliance-office-compliance-toolkit-chapter-1>
- <https://www.epa.gov/ogc/case-resolution-manual>

Outside of EPA, we suggest reviewing the Department of Justice's Legal Manual:

- <https://www.justice.gov/crt/fcs/T6Manual7> will take you to the section on disparate impact – for the full legal manual, go to <https://www.justice.gov/crt/fcs/T6manual>, and it is available in full as a PDF, at <https://www.justice.gov/crt/case-document/file/934826/download>

Thank you for your attention to these items. We will also be adding this communication to FOIAOnline. As noted on the call, we will be back in touch shortly once we have received further response from our eDiscovery contractors.

If you have questions regarding the use of FOIAOnline, please contact the EPA FOIA Requester Service Center at (202) 566-1667. If you have overall questions or concerns about this request, please contact me at (202) 564-2088, or via email at Stein.Jonathan@epa.gov. Again, thank you for your continued patience and courtesy as we work to close out your information request.

Sincerely,
Jonathan Stein
Attorney-Advisor
External Civil Rights Compliance Office
Office of General Counsel